



501001-A-01-US (Singh)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): N. Singh et al.
Case: 501001-A-01-US (Singh)
Serial No.: 09/924,983
Filing Date: August 8, 2001
Group: 2114
Examiner: Bryce P. Bonzo

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: Lenta M. Nambir Date: August 5, 2004

RECEIVED

AUG 12 2004

Technology Center 2100

Title: Fault Tolerance Software System with Periodic
External Self-Test Failure Detection

TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is the following document relating to the above-identified patent application:

(1) Response to Office Action.

There is no additional fee due in conjunction with the response. In the event of any non-payment or improper payment of a required fee, the Commissioner is hereby authorized to charge or to credit **Avaya Inc. Deposit Account No. 50-1602** as required to correct the error.

Respectfully submitted,

Date: August 5, 2004

Joseph B. Ryan
Attorney for Applicant(s)
Reg. No. 37,922
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7517



2114

41

501001-A-01-US (Singh)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Patent Application**

Applicant(s): N. Singh et al.
Case: 501001-A-01-US (Singh)
Serial No.: 09/924,983
Filing Date: August 8, 2001
Group: 2114
Examiner: Bryce P. Bonzo

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: Laura M. Hamlin Date: August 5, 2004

RECEIVED

AUG 12 2004

Technology Center 2100

Title: Fault Tolerance Software System with Periodic
External Self-Test Failure Detection

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The remarks below are submitted in response to the first non-final Office Action dated May 5, 2004 in the above-identified application.

REMARKS

The present application was filed on August 8, 2001, with claims 1-18. Claims 1-18 are currently pending in the application. Claims 1, 17 and 18 are independent claims.

Claims 11-13 stand rejected under 35 U.S.C. §112 as being allegedly inconsistent with certain recitations of independent claim 1. Applicants respectfully traverse. Independent claim 1 states that the test script program is initiated "via the control program." Thus, the test script program may be initiated directly or indirectly by the control program. An example of direct initiation is shown in FIG. 4A, where control thread 134 directly initiates test script 136. An example of indirect initiation is shown in FIG. 4B, where control thread 134 indirectly controls initiation of the test script